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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING Docket Number (Optional) REJECTION OVER A PENDING "REFERENCE" APPLICATION CARR-01000US4 In re Application of: Jeffrey W. Carr 10/608,384 Application No.; Filed: June 27, 2003 For: APPARATUS AND METHOD FOR REACTIVE ATOM PLASMA PROCESSING FOR MATERIAL DEPOSITION The owner, RAPT Industries, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/383,478 filed on March 7, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. in making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application; in the event that; any such patent; granted on the pending reference application; expires for fallure to pay a maintenance see, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorly discislmed In whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant. Check either box 1 or 2 below, if appropriate, 1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may Jeopardize the validity of the application or any patent Issued thereon. 2. The undersigned is an attorney or agent of record. Reg. No. 54,554 5/15/06 Peter S. Fiske, Ph.D. Typed or printed name <u>925-371-7278</u> Telephone Number X Terminal disclaimer fee under 37 CFR 1.20(d) is included. 05/18/2006 BABRAHA1 00000024 10608384 01 FC:2253 WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Statement under 37 CFR 3.73(b) is required if terminal disclaimer is algred by the assignce (owner) 300 BARRAHA1 68688824 CC1225

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